

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

TUESDAY
February 24, 2015

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The Regular Public Hearing convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 10:16 a.m., Lloyd Jordan, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson
MARNIQUE HEATH, Vice-Chairperson

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS
MEGAN RAPPOLT
MATT JESICK
ELISE VITALE

The transcript constitutes the minutes from the Public Hearing held on February 24, 2015.

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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P-R-O-C-E-E-D-I-N-G-S

10:16 a.m.

CHAIRPERSON JORDAN: Okay. 921, please.

MR. MOY: All right. To the table, applicants to Application 18921 of Peter Grimm and Kelly Jones. Mr. Chairman, this is a request for variance relief from, as advertised, lot occupancy, nonconforming structure and rear yard requirements.

CHAIRPERSON JORDAN: Please identify yourselves.

MR. PETERSEN: Yes, my name is Eric Petersen, architect and authorized agent for the owner.

MR. GRIMM: Good morning. Peter Grimm, owner.

CHAIRPERSON JORDAN: Okay. And there's a request for waiver of one day late on posting. But you did post, and we will accept that.

Don't do it again. Don't be one day late.

(Laughter.)

MR. GRIMM: Thought I was a week early.

CHAIRPERSON JORDAN: Board, do you have any issues or questions with this? And I think the -- the record already supports -- the information we have in the record would support the relief requested unless you have any questions you would like to ask the applicant that you need to hear from him.

Mr. Petersen, Mr. Grimm, normally you have the opportunity to do a presentation for the Board unless the --

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1 but the option is yours for us to proceed based upon what you've
2 already submitted, or you also have the right to say anything
3 you want to say about your application.

4 The wise person doesn't do that, but it's up to you.
5 Whatever way you want to do it.

6 MR. PETERSEN: Yes, I think the record stands, the
7 application stands and no further statement.

8 CHAIRPERSON JORDAN: Very good. Then we will turn to
9 Ms. Vitale in the Office of Planning.

10 MS. VITALE: Good morning, Mr. Chair, members of the
11 Board. The Office of Planning will rest on the record in
12 support of the requested relief. I can answer any questions
13 you might have.

14 CHAIRPERSON JORDAN: Any questions, Board, for
15 Planning? Applicant, any questions for Planning?

16 (No questions.)

17 CHAIRPERSON JORDAN: Thank you.

18 Anyone from the Department of Transportation here for
19 this case? We do have a Letter of No Objection to the relief
20 submitted by Department of Transportation.

21 Is anyone here from ANC 6C? ANC 6C. We have a Letter
22 of Support from ANC 6C which voted six to zero. Support the
23 application.

24 Is there anyone here wishing to testify in support of
25 the application? Anyone to testify in support? Anyone to

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1 testify in opposition? Anyone in opposition?

2 (No comments.)

3 CHAIRPERSON JORDAN: Then we will close the hearing and
4 I would move that we grant the relief requested in 18921.

5 ZC CHAIR HOOD: I will second that, Mr. Chairman.

6 CHAIRPERSON JORDAN: Motion made and second.

7 Discussion?

8 ZC CHAIR HOOD: I will say that I really appreciated the
9 architectural plans and the elevations in Four really helped
10 show the description was accurate, what you're trying to do,
11 and I appreciate it.

12 And I think what's being asked for is very minimal.
13 Thank you.

14 CHAIRPERSON JORDAN: Anything else?

15 All those in favor of the motion, aye.

16 GROUP RESPONSE: Aye.

17 CHAIRPERSON JORDAN: Those opposed, nay.

18 (No opposed.)

19 CHAIRPERSON JORDAN: Motion carries. Mr. Moy.

20 MR. MOY: Staff would record the vote as three to zero.

21 This is on the motion of Chairman Jordan to approve the relief
22 requested. Second the motion, Mr. Anthony Hood. Also
23 supported, Vice Chair Heath. No other members present today.
24 Motion carries, sir.

25 CHAIRPERSON JORDAN: Summary, please.

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1 MR. MOY: Thank you.

2 CHAIRPERSON JORDAN: Thank you very much.

3 Okay. I'm just trying to see where we are. Okay.
4 Let's do -- well, I think -- let's do 18926, Mr. Moy.

5 MR. MOY: All right. The application before the Board
6 is 18926. This is the application of the Church of the
7 Pilgrims.

8 Mr. Chairman, this is a requested relief as advertised
9 for special exception from the child development center
10 requirements under Section 205.

11 CHAIRPERSON JORDAN: All right. Please identify
12 yourselves.

13 MR. BROWN: Patrick Brown from Greenstein DeLorme and
14 Luchs on behalf of the applicant.

15 MS. MILANOVICH: Jami Milanovich with Wells &
16 Associates, traffic consultant for the project.

17 MR. COUCH: Will Couch with Foundry Architects on
18 behalf of the applicant.

19 MR. BROWN: Mr Chairman, Mr. Clay who is the director
20 of the school, just stepped outside for one second.

21 CHAIRPERSON JORDAN: He's here.

22 MR. BROWN: Okay. All right. Good.

23 CHAIRPERSON JORDAN: All right. There's a request for
24 waiver of filing of a subsequent report, which we will grant
25 that.

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1 Did we get an ANC letter?

2 MR. BROWN: Mr. Chairman, ANC 2B submitted a letter that
3 is in the record and --

4 CHAIRPERSON JORDAN: But this is 2D.

5 MR. BROWN: D, and I have an email report from 2D, which
6 I will submit to the record. They claim to have tried to submit
7 something earlier here, but apparently it's not gotten into
8 the record. I'll submit its approval.

9 CHAIRPERSON JORDAN: Okay. Give it to Mr. Moy, please.

10 (Pause.)

11 CHAIRPERSON JORDAN: All right. We'll just take this
12 as what it's worth. It doesn't meet the requirements for
13 receiving great weight since we have not received it.
14 Subsequently we may recede that.

15 Also, the record does indicate that we submitted a
16 letter to the Office of the State Superintendent of School,
17 as well as Aging and I think DHCD. And I don't think we
18 received anything back -- or Department of Human Services.

19 You didn't receive anything back from those agencies,
20 did you?

21 (Comments off the record.)

22 CHAIRPERSON JORDAN: Administratively, this matter
23 should have been probably filed as a modification.

24 Why didn't you file it as a modification as opposed to
25 a new application?

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1 MR. BROWN: For several reasons. One, the regulations
2 don't allow an extension of the time under a modification and
3 we were looking for a lengthening beyond the five years
4 remaining on the current order.

5 Also, given that the nature of what was being done
6 physically in the building, as well as the increase in
7 students, it seemed more appropriate to have a new application.

8 CHAIRPERSON JORDAN: Okay. I can accept that.

9 Okay. Regarding the expansion from going from -- what
10 is it going from?

11 MR. BROWN: From 50 to 74 students.

12 CHAIRPERSON JORDAN: 50 to 74, and 12 to 18 persons on
13 staff. I don't think there's been anything that's negative
14 in the file about that. I don't think we have any issues or
15 concerns.

16 You're asking to change the term from 10 years to 20
17 years. This has been before this board several times in
18 different facets.

19 And depending on what happens here at this hearing, I
20 would be inclined just to remove the term. Doesn't make sense
21 to me to keep coming back every -- because if you're going to
22 ask for 20 years, you know, you might as well not have a term.
23 And it's been back and forth, back and forth, unless we have
24 some community issues.

25 So, Mr. Brown, I think we can proceed if we can just go

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1 through this hearing and see if there's anyone in opposition
2 here and we can proceed on.

3 MR. BROWN: All right. Well, and I'm prepared to
4 stand on the record unless you want a more -- a fuller
5 presentation. I don't --

6 CHAIRPERSON JORDAN: That's kind of what I was saying,
7 but maybe I didn't use the proper words.

8 MR. BROWN: Okay. You were more subtle than perhaps
9 you were previously. Yes, we'll stand on the record.

10 We, in our supplemental filing, which came in, in a
11 corrected version, we outlined the conditions as modified.
12 The first condition, which is the length of it, you may want
13 to change to without limit.

14 The other issue, and this is important and it doesn't
15 necessarily need to be a condition, but I want on the record
16 that because the space is being reconfigured and realigned,
17 the school will need to have swing space during that work.

18 CHAIRPERSON JORDAN: We're not going to be able to do
19 that without having plans as to what you're doing. I saw that
20 in your -- we're not granting that type of relief. You're
21 going to have to do what you have to do with the zoning
22 administrator to --

23 MR. BROWN: We have. We have.

24 CHAIRPERSON JORDAN: Okay.

25 MR. BROWN: I'm just making the Board aware of that --

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1 CHAIRPERSON JORDAN: Yes. Thank you.

2 MR. BROWN: -- under its current lesser operations
3 during the swing period until the new space is ready.
4 Otherwise, we'll stand on the record.

5 CHAIRPERSON JORDAN: Now, did you have any feedback or
6 any issues with the ANCs regarding -- or anyone in the community
7 regarding the length of time you were asking for the extension
8 for 20 years?

9 MR. BROWN: I don't believe there was any specific
10 discussion on that.

11 CHAIRPERSON JORDAN: No one raised the issue, fought
12 back or pushed on that?

13 MR. BROWN: No.

14 CHAIRPERSON JORDAN: Okay. All right. Then with
15 that, we will turn to the Office of -- unless the Board has
16 questions, the Office of Planning to see if there's anything
17 in addition.

18 MS. RAPPOLT: Good morning. Megan Rappolt, for the
19 record. And OP continues to be supportive of this request and
20 supports the 20-year time expiration. And also in support
21 without limit should you go that way. Thanks.

22 CHAIRPERSON JORDAN: Any questions, Board?
23 Applicant, any questions to the Office of Planning?

24 MR. BROWN: No thank you.

25 CHAIRPERSON JORDAN: Department of Transportation, we

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1 do have a letter in the file. No objection to the relief
2 requested.

3 We have a letter from ANC 2C, is it?

4 MR. BROWN: 2B.

5 CHAIRPERSON JORDAN: 2B, which is a neighboring ANC who
6 supports this application. And we have some dialog from ANC
7 2D that it appears on its face that they have no problem with
8 the relief being requested.

9 Is there anyone here from the Department of Human
10 Services? Anyone here from Office of State Superintendent of
11 Schools, Education, Office of Aging?

12 (No comments.)

13 CHAIRPERSON JORDAN: Then is anyone here wishing to
14 speak in support of this application? Anyone in support?
15 Anyone in opposition?

16 Then I would move -- I would close this hearing and move
17 that we grant the relief requested with change of the first
18 condition -- with deleting the first condition.

19 ZC CHAIR HOOD: Mr. Chairman, before you make a motion,
20 Mr. Brown, in your conversations with the ANCs in your
21 presentation, did you mention that you were going after 20
22 years? Was that mentioned?

23 MR. BROWN: I'll defer to Mr. Clay who was --

24 MR. CLAY: No, we didn't mention that.

25 ZC CHAIR HOOD: You didn't mention that.

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1 MR. CLAY: We didn't.

2 MR. BROWN: Well, our request as it was applied for was
3 at least 10 years.

4 ZC CHAIR HOOD: But I'm saying was that discussed with
5 --

6 MR. CLAY: No.

7 ZC CHAIR HOOD: -- either one of the ANCs?

8 MR. CLAY: No.

9 ZC CHAIR HOOD: Okay. Then I'm backing off of that.
10 All right. I think that should have been mentioned, Mr.
11 Chairman.

12 CHAIRPERSON JORDAN: I agree.

13 ZC CHAIR HOOD: But I agree with you of not keep having
14 to come back. Since that wasn't mentioned, I would be inclined
15 to keep the 20 years. I mean, that's a long time.

16 CHAIRPERSON JORDAN: It's actually 10 years. They're
17 asking for an additional 10 years. They had 10 years and
18 they're at the five-year point of the 10 years. And they're
19 asking then to add another 10 years from the last order, which
20 will make 20 years total, which doesn't really make sense,
21 right?

22 MR. BROWN: I think and part of the purpose of filing
23 a new application was to allow us to extend beyond the life
24 of the earlier order.

25 So, we'd like whatever we do today measured --

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1 CHAIRPERSON JORDAN: You know, I'm not really
2 comfortable with that. This is what I'm going to offer to the
3 Board, I'm going to offer to you. In fact, I'm going to change
4 Condition Number 1 from 20 years to 10 years, an additional
5 10 years.

6 These things it's important, because of the effect upon
7 the ANC. Had you -- we were willing to -- at least I was, to
8 offer had you had this discussion with the ANC and they were
9 aware of this, then we would just pop the term, but, you know,
10 these are the kind of things that disrupt neighborhoods and
11 et cetera. And the ANCs should know exactly what relief we're
12 talking about and have had some dialog with you about it.

13 ZC CHAIR HOOD: Unless, Mr. Chairman, if they want to
14 try to go for the 20, you want to go back and talk to the ANC,
15 but I know we want to probably dispose of --

16 CHAIRPERSON JORDAN: Well, I --

17 ZC CHAIR HOOD: That may be an option. That would be
18 the only thing that we would be looking for if you wanted that
19 opportunity. That's what I would be inclined to do. If not,
20 I would just follow your lead and move forward on today.

21 If you want that opportunity, go back and tell both ANCs
22 that you're asking for 20 years --

23 CHAIRPERSON JORDAN: Or no term.

24 ZC CHAIR HOOD: -- or no term and see how that comes
25 back.

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1 CHAIRPERSON JORDAN: Yes.

2 ZC CHAIR HOOD: Now, I don't want to mess you up. I
3 don't want you to go out and do that and then come back with
4 opposition. So, you know.

5 CHAIRPERSON JORDAN: Well, if they come back with
6 opposition, it's opposition. So, thank you, Mr. Hood, for
7 being Solomon over here to my right.

8 MR. BROWN: I think we'd like to proceed on the ten
9 years' measure from today's date and wrap this up.

10 CHAIRPERSON JORDAN: Okay. Then that would -- then I
11 move that we grant the relief requested with Condition Number
12 1 being changed for 10 years from today.

13 And then the limit will go from 50 to 74 children ages
14 12 months to six years, and staff from 12 to 18. And the other
15 conditions will follow. Okay.

16 ZC CHAIR HOOD: I'll second that.

17 CHAIRPERSON JORDAN: Motion made and second. Further
18 discussion?

19 (No discussion.)

20 CHAIRPERSON JORDAN: All those in favor, aye.

21 GROUP RESPONSE: Aye.

22 CHAIRPERSON JORDAN: Those opposed, nay. The motion
23 carries. Mr. Moy.

24 MR. MOY: Staff would record the vote as three to zero.
25 This is on the motion of Chairman Jordan to approve the

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1 application for the relief requested, as well as changing the
2 first condition to 10-year period.

3 Second the motion, Mr. Hood. Also support, Vice Chair
4 Heath. No other members present. Motion carries, sir.

5 CHAIRPERSON JORDAN: Thank you. Summary, please.

6 MR. MOY: Thank you.

7 CHAIRPERSON JORDAN: Thank you.

8 (Pause.)

9 CHAIRPERSON JORDAN: Okay. We're getting there,
10 aren't we? Let me take a look at my notes.

11 (Pause.)

12 CHAIRPERSON JORDAN: One second. Let me check my other
13 notes. Okay. That won't work. All right. We're at the top
14 of the batting order, 922.

15 MR. MOY: All right. The next application, applicants
16 to the table to Application Number 18922 of Song Quan Liu, LLC.

17 Mr. Chairman, this is a request for a special exception
18 from the fast food establishment under Section 733. This is
19 a property at 5427 Fifth Street, N.W.

20 (Pause.)

21 (Comments off record.)

22 CHAIRPERSON JORDAN: Okay. All right. So, can we
23 have all -- all right. Please identify yourself. Mr. Moy,
24 what are we doing?

25 (Comments off record.)

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1 CHAIRPERSON JORDAN: All right. And the interpreter
2 is?

3 MR. WANG: Neng-Hsiang Wang. N-E-N-G, H-S-I-A-N-G.
4 Last name W-A-N-G.

5 CHAIRPERSON JORDAN: Okay. And you are the
6 interpreter?

7 MR. WANG: Yes.

8 CHAIRPERSON JORDAN: And you were sworn this morning,
9 right?

10 MR. WANG: I am CPA and I prepare the report and I also
11 want to be the interpreter today.

12 CHAIRPERSON JORDAN: And to your right, who is sitting
13 to your right? The gentleman to your right, who is that?

14 MR. WANG: Mr. Song Quan Liu.

15 CHAIRPERSON JORDAN: And he is?

16 MR. WANG: He is the owner of Song Quan Liu, Inc.

17 CHAIRPERSON JORDAN: Okay. All right. And both of
18 you have been sworn, correct? Raised your hands and got sworn
19 in? Did you?

20 VICE CHAIR HEATH: They were here this morning.

21 CHAIRPERSON JORDAN: Yeah, but I want to make sure.
22 Because if he wasn't interpreting, we don't know if he actually
23 understood that he was sworn in.

24 MR. MOY: You swore this morning the oath early in the
25 morning, yes?

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1 CHAIRPERSON JORDAN: Let's do it again to get the record
2 straight, Mr. Moy.

3 MR. MOY: All right.

4 CHAIRPERSON JORDAN: Please stand.

5 MR. MOY: Do you solemnly swear or affirm that the
6 testimony you're about to present in this proceeding is the
7 truth, the whole truth and nothing but the truth?

8 MR. WANG: (Speaking to Mr. Liu.)

9 MR. MOY: Thank you. You may be seated.

10 CHAIRPERSON JORDAN: Okay. All right. Who is the
11 property owner?

12 MR. WANG: He is.

13 CHAIRPERSON JORDAN: He owns the property?

14 MR. WANG: Not the property, but he lease it.

15 CHAIRPERSON JORDAN: Okay.

16 MR. WANG: Lease it.

17 CHAIRPERSON JORDAN: Couple of issues here. We need a
18 letter from the property owner and you are the lessee. We
19 don't have any authorization from the property owner that you
20 can present this case.

21 MR. WANG: The property owner say what?

22 CHAIRPERSON JORDAN: We need a letter from the property
23 owner.

24 MR. WANG: We do not have letter from property owner.
25 We need the property owner?

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1 (Discussion off record.)

2 MR. WANG: I have the lease. Do you need the lease? Do
3 you want to see the lease?

4 CHAIRPERSON JORDAN: Here's the issue. We require the
5 property owner to authorize you to go forward to come before
6 this board for relief.

7 Just having a lease in and of itself does not allow you
8 to come before the Board to do that. We just need a simple
9 letter from the property owner.

10 The property owner is aware that you have applied; is
11 that correct?

12 MR. WANG: I thought this is about the fast food
13 establishment. So, he is the owner of the fast food.

14 CHAIRPERSON JORDAN: But he's not owner of the
15 property.

16 MR. WANG: Right. Not the owner of the property.

17 CHAIRPERSON JORDAN: Yes. The property owner has to
18 let us know that they understand what is going on, that they
19 have given you the right to come before this board in their
20 behalf.

21 It's a simple process. It's not --

22 MR. WANG:(Indiscernible due to accent.)

23 CHAIRPERSON JORDAN: Yes, it's a requirement of the
24 rules. So, what do we do with it?

25 (Comments off record.)

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1 CHAIRPERSON JORDAN: All right. This is what we're
2 going to do. We're going to proceed with the hearing, but
3 we're not going to grant anything until we receive the letter
4 of authorization from the property owner.

5 MR. WANG: I see.

6 CHAIRPERSON JORDAN: Okay.

7 MR. WANG: (Speaking to Mr. Liu.)

8 CHAIRPERSON JORDAN: All right. The other question,
9 let me ask you about the ANC 4D.

10 Did you meet with ANC 4D?

11 MR. WANG: We attended a meeting on January 20th. And
12 there was no objection whatsoever. I made the presentation
13 and I covered various areas of the issues. And there were no
14 objections.

15 And only one lady that told me is in charge of that area
16 and he said that -- she said that she would call me if there
17 was any objection, but she never call.

18 CHAIRPERSON JORDAN: Okay. All right. I think that
19 the record would support the relief here especially in light
20 of Office of Planning's recommendation in support, which
21 really carried the weight for this application.

22 The Board would be -- and in that, we would have to not
23 waive, but to accept the fact that you are a few feet short
24 from the 25-foot requirement between the residents, which we
25 can do a letter of support.

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1 Did you get any letters of support from the community?

2 MR. WANG: From community, no. The lady call -- said
3 that she would call me, but she never call.

4 CHAIRPERSON JORDAN: Okay. I gotcha.

5 MR. WANG: Huh?

6 CHAIRPERSON JORDAN: All right. I gotcha. Let me do
7 this: Let's turn to Office of Planning and talk to Ms. Thomas
8 about any information that she had in addition.

9 Ms. Thomas, did you have any conversation with the ANC?

10 MS. THOMAS: Not at all. I did try, but I didn't get
11 any feedback from them. We had no issues. Didn't seem to have
12 any issues.

13 From what I understood, that the -- reading the minutes,
14 I think that they didn't have any objection to the --

15 CHAIRPERSON JORDAN: Okay. But in the minutes, did it
16 indicate that they did a presentation and discussed it?

17 MS. THOMAS: Yes.

18 CHAIRPERSON JORDAN: Okay. Okay. All right.

19 MR. MOY: Mr. Chairman, if I may interrupt, the
20 applicant's assistant handed out two sheets pertaining to what
21 he just described in terms of the ANC meeting.

22 CHAIRPERSON JORDAN: Okay. Yeah, all right. Yeah,
23 but it's still not -- okay. All right. Ms. Thomas, anything
24 else you want to talk about in this application other than what
25 you've already written?

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1 MS. THOMAS: No, nothing beyond this application.
2 Thank you. We will rest in the record of --

3 CHAIRPERSON JORDAN: We have a letter from the
4 Department of Transportation of no objection. We don't have
5 ANC, as we just went through that, but there was a presentation
6 from the ANC. So, that doesn't stop this particular matter
7 from proceeding.

8 Is anyone here wishing to speak in support of this
9 application? Anyone in support? Anyone in opposition?
10 Anyone in opposition?

11 And it's my understanding that there's been other fast
12 food -- there's been other restaurants like this in the same
13 spot before; is that correct, Mr. Wang?

14 MR. WANG: (Nodding head.)

15 CHAIRPERSON JORDAN: Is that yes? That's yes?

16 MR. WANG: Yes.

17 CHAIRPERSON JORDAN: Uh-huh.

18 ZC CHAIR HOOD: I'll just ask a question.

19 Are you aware of the conditions that the Office of
20 Planning has asked if this is approved?

21 MR. WANG: I think the Office of Planning didn't feel
22 there is any objection at all.

23 ZC CHAIR HOOD: Right.

24 CHAIRPERSON JORDAN: But they have some requirements
25 for you --

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1 MR. WANG: Requirement is --

2 CHAIRPERSON JORDAN: -- that the trash cans be stored
3 at the rear of the building.

4 MR. WANG: Yeah, but after reading --

5 CHAIRPERSON JORDAN: Okay. You read it, though. You
6 understand they have conditions that they want you to meet.

7 MR. WANG: Okay. Yes.

8 CHAIRPERSON JORDAN: Okay. And those are agreeable to
9 you.

10 MR. WANG: Yeah, we will do that.

11 CHAIRPERSON JORDAN: Okay. All right.

12 MR. WANG: (Speaking to Mr. Liu.)

13 CHAIRPERSON JORDAN: Okay. Then let's close this
14 hearing based upon the record we already have and I move that
15 we grant the relief requested with the conditions as provided
16 by the Office of Planning.

17 ZC CHAIR HOOD: I'll second that, Mr. Chairman.

18 CHAIRPERSON JORDAN: Subject to the letter of
19 authorization from the property owner.

20 ZC CHAIR HOOD: Second that.

21 CHAIRPERSON JORDAN: All right. Motion made and
22 second. Discussion? All those in favor, aye.

23 GROUP RESPONSE: Aye.

24 CHAIRPERSON JORDAN: Those opposed, nay.

25 (No nay votes.)

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1 CHAIRPERSON JORDAN: The motion carries. Mr. Moy.

2 MR. MOY: Staff would record the vote as three to zero.
3 This is on a motion of Chairman Jordan to approve the
4 application for the relief requested with the two conditions.
5 And the order won't be issued until we receive a copy of the
6 letter of authorization.

7 Second the motion, Mr. Hood. Also in support, Vice
8 Chair Heath. No other members present. Motion carries, sir.

9 CHAIRPERSON JORDAN: Summary, please.

10 MR. MOY: Thank you.

11 MR. WANG: Maybe I would come to ask you how to write
12 the --

13 MR. MOY: The staff will get the -- yeah, the staff will
14 meet with you separately on that.

15 (Comments off record.)

16 CHAIRPERSON JORDAN: Okay. It's done. It's over.

17 MR. WANG: All right. Thank you.

18 CHAIRPERSON JORDAN: Thanks. All right. Let's do the
19 next case, Mr. Moy. 23.

20 MR. MOY: Yes, Application Number 18923 of Geng Chen
21 Enterprise, Incorporated. This is pursuant, Mr. Chairman,
22 also relief for special exception from the fast food
23 establishment requirements under Section 733. And this is
24 property at 2918 Martin Luther King, Jr. Avenue, S.E.

25 CHAIRPERSON JORDAN: All right. Please identify

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1 yourselves.

2 (Speaking off mic.)

3 CHAIRPERSON JORDAN: I'm sorry. You've got to speak
4 into the microphone. Push the button. Push the button. Oh,
5 it's on. Okay. Go ahead. Say it again. There you go. I
6 had to push the button. Go ahead. Push the button one more
7 time.

8 MR. WANG: Yeah, okay.

9 CHAIRPERSON JORDAN: Introduce yourselves.

10 MR. WANG: Yeah. Again, I am Neng-Hsiang Wang. And
11 this is Geng Chen, owner of Geng Chen Enterprise, Inc.

12 CHAIRPERSON JORDAN: Okay. All right. And our ANC
13 commissioner?

14 MS. CUTHBERT: Good morning, Chairman Jordan and
15 Chairman Hood and Commissioners. I'm Mary Cuthbert, the chair
16 of ANC 8C.

17 CHAIRPERSON JORDAN: Thank you. Thanks for coming.

18 All right. We have the same problem in this case that
19 we had in the other case. We need a Letter of Authorization
20 from the property owner.

21 MR. WANG: Yes.

22 CHAIRPERSON JORDAN: All right. Also, you've got some
23 issues here that -- you've got some issues.

24 MR. WANG: Uh-huh.

25 CHAIRPERSON JORDAN: You know, the ANC voted in

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1 opposition.

2 Do you understand that, Mr. Wang?

3 MR. WANG: Yes.

4 CHAIRPERSON JORDAN: Okay. I mean, they have great
5 concerns about this property being -- how it's being operated.

6 Are you already in operation?

7 MR. WANG: What?

8 CHAIRPERSON JORDAN: Is he already operating?

9 MR. WANG: Yes, already did.

10 CHAIRPERSON JORDAN: So, why are you coming to us?

11 MR. WANG: That's not a new --

12 CHAIRPERSON JORDAN: It's closed?

13 MR. WANG: Not a new restaurant.

14 CHAIRPERSON JORDAN: Okay. Got it. Before it was,
15 okay. But now, it's not open. All right. Here's the issue.
16 All right. Tell us about this restaurant, how it's going to
17 be operated.

18 MR. WANG: The restaurant is supposed to operate as a
19 carry-out. And it has been a carry-out for a long time and
20 change ownership several times.

21 The last ownership, the last owner pass away. And then
22 the property went back to the landlord. So, Mr. Geng Chen
23 lease from the landlord.

24 And during that time, I think it was stop operating for
25 maybe six months or so, because the ex-owner pass away. So,

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1 he die and he -- I find that he has the last people occupancy
2 permit, but the occupancy permit shows conditional.

3 And I told Mr. Geng Chen if you change ownership and you
4 form a new corporation, you need that to go to this kind of
5 hearing and this kind of procedure and is pretty difficult,
6 but he is willing to gamble for this kind of procedure.

7 So, that's why we contact your office and contact Mr.
8 Moy and went to Office of Planning and that's why we came here.

9 And on February 4th, I went to the ANC meeting and I
10 presented three issues. One is health and sanitation. And
11 second is about trash collection. Third about traffic jam.

12 And I think that trash collection and traffic jam will
13 not constitute any problem at all, and but the issue about the
14 health and sanitation was questioned by ANC and two questions
15 they raised.

16 Number one, the first one, a gentleman raise the
17 question if someone -- if a number of people hanging around
18 in front of your store, what are you going to handle it?

19 Mr. Chen said that I will call the police. And that
20 question seems to satisfy the Commissioner. So, that became
21 no issue at all, but the second issue is about inside the
22 restaurant.

23 This lady raised a number of issues. Number one, she
24 said that she find water dripping. And the second one she said
25 she found a child inside. And the third one, she said the store

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1 was too old.

2 And so, I immediately told Mr. Chen how are you going
3 to respond to that? Mr. Chen said he would immediately resolve
4 the issue.

5 And next day he called me. He said, he already removed
6 the child. So, the child will not be there anymore, but how
7 about the issue of water dripping? And he said he already
8 contacted someone to come to fix it.

9 A few days later I receive an invoice. He paid the
10 invoice and the invoice indicated that the dripping problem
11 has been corrected.

12 And then that third issue about the store problem. It
13 was questioned the store was too old. He said he is in the
14 process of buying new stuff to replace it.

15 CHAIRPERSON JORDAN: Has Department of Health
16 inspected this place?

17 MR. WANG: Not yet, because there were couple days, you
18 know, due to the weather too cold. The weather too cold and
19 the water pump, you know, was broken. So, he could not fix
20 it. And so, we have to ask someone to fix it. After that,
21 we ask, you know, the Health Department to come for inspection.
22 So, we will do inspection in a few days.

23 CHAIRPERSON JORDAN: Tell me how are you going to handle
24 trash?

25 MR. WANG: Handle what?

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1 CHAIRPERSON JORDAN: Trash.

2 MR. WANG: Trash. There is an alley pretty wide and
3 that alley, you know, the truck can get in the alley. And then
4 at the end of the alley, all stores in that area put their trash
5 over there.

6 CHAIRPERSON JORDAN: Everybody uses the same trash
7 bins?

8 MR. WANG: Not same trash can. I mean same area.

9 CHAIRPERSON JORDAN: Okay. So, you would have a trash
10 bin in that area?

11 MR. WANG: Yeah. Yeah. They have a very big one.

12 CHAIRPERSON JORDAN: What kind of trash bin will you
13 have?

14 MR. WANG: I don't know whether -- okay. There is a
15 picture. There is a picture. Okay. This is the --

16 ZC CHAIR HOOD: We actually have that picture.

17 CHAIRPERSON JORDAN: Let me see.

18 ZC CHAIR HOOD: And I'm going to ask a question on that
19 because in the alley -- so, they all push their cans to one
20 area?

21 MR. WANG: Yes.

22 ZC CHAIR HOOD: Everybody push their cans to one area?

23 MR. WANG: Yeah, everybody. Everybody.

24 CHAIRPERSON JORDAN: There is an alley there?

25 MR. WANG: The alley is pretty wide. Is your building

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1 all the way back on the property line, or is there space between
2 the building and the alley?

3 MR. WANG: Maybe next to it is a haircut. Okay. A
4 haircut. And they allow a visitor to park over there. So,
5 that area becomes, you know, vacant. And also you can -- the
6 truck can get into it.

7 CHAIRPERSON JORDAN: All right. But why aren't you
8 having -- are you putting -- there's no enclosure for the trash,
9 an enclosure for where the trash is going?

10 MR. WANG: Say again?

11 CHAIRPERSON JORDAN: There is no enclosure.

12 MR. WANG: What?

13 CHAIRPERSON JORDAN: You don't have an enclosure for
14 the trash.

15 MR. WANG: That's what -- it look like that. I don't know
16 exactly what you mean by enclosure, but it's what it look like.

17 CHAIRPERSON JORDAN: Okay. What does it look like?

18 MR. WANG: If (indiscernible due to accent) this
19 enclosure, then that is.

20 CHAIRPERSON JORDAN: Okay. Let me go to Ms. Thomas.

21 Ms. Thomas, why don't they have an enclosure for the
22 trash?

23 MS. THOMAS: Mr. Chair, good morning. Karen Thomas for
24 the Office of Planning.

25 Those dumpsters serve the businesses that face Martin

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1 Luther King next to his, because all those properties abut
2 another property.

3 CHAIRPERSON JORDAN: Okay.

4 MS. THOMAS: So, there is no alley access.

5 CHAIRPERSON JORDAN: What about this one?

6 MS. THOMAS: No.

7 CHAIRPERSON JORDAN: So, they don't have alley access?

8 MS. THOMAS: No, they don't have direct alley access.

9 CHAIRPERSON JORDAN: So, they have to go out the front
10 door, and go through the parking lot, and then go around to
11 trash.

12 MS. THOMAS: Just go through the front door, come down
13 Martin Luther and turn right into the alley.

14 CHAIRPERSON JORDAN: Okay.

15 MS. THOMAS: So, their property -- well, his property
16 abuts another commercial property to the back.

17 CHAIRPERSON JORDAN: To the back. So, there's no room
18 for the enclosure, is what you're saying.

19 MS. THOMAS: No.

20 CHAIRPERSON JORDAN: And it's not accessible from the
21 building as is.

22 MS. THOMAS: Exactly. Uh-huh. So, all those
23 properties at front have their trash cans in that --

24 CHAIRPERSON JORDAN: I wonder how come -- well, isn't
25 that a variance request they need to make?

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1 MS. THOMAS: That's a public space issue, because it's
2 public space. I did talk with --

3 CHAIRPERSON JORDAN: Yeah. Yeah, I got that, but I'm
4 saying they are required to have the enclosure, right?

5 MS. THOMAS: Yes.

6 CHAIRPERSON JORDAN: But they don't have the enclosure.
7 So, it's not a special exception. It's actually a variance
8 request.

9 MS. THOMAS: It's a variance --

10 CHAIRPERSON JORDAN: Because I don't think that the
11 dumpster -- the enclosure is waivable by --

12 (Comments off record.)

13 CHAIRPERSON JORDAN: We'll stall. We're taking a
14 commercial break.

15 ZC CHAIR HOOD: I do have a question though.

16 CHAIRPERSON JORDAN: Okay. Go ahead. Go ahead.

17 ZC CHAIR HOOD: So, I can fill in the gap.

18 Ms. Thomas, in your report you mention approval shall
19 be for one year at a date of issuance of the order.

20 Why are you just recommending one year?

21 MS. THOMAS: Well, in light of the concerns of the
22 community with respect to the sanitation issues or the health
23 issues, we thought that one year would give them sufficient
24 time to properly address the interior issues and sanitation
25 issues.

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1 ZC CHAIR HOOD: Well, I think from my standpoint, one
2 year is too long. And I would think that we would want these
3 things fixed sooner than later.

4 I think six months would be the max, Mr. Chairman, that
5 I would be -- well, if we get to that point.

6 MS. THOMAS: Well, I just, you know, just working on how
7 long it takes to get permits and get everything established,
8 that's -- I just did it that way.

9 ZC CHAIR HOOD: Yeah, but maybe they could do a status
10 in six months back to --

11 MS. THOMAS: Right.

12 ZC CHAIR HOOD: We'll see how it goes.

13 MS. THOMAS: Yeah. Also put the caveat in that must
14 report to the ANC regularly as to --

15 ZC CHAIR HOOD: And work those things through. These
16 are things I think that can be fixed.

17 MS. THOMAS: Yeah.

18 (Pause.)

19 (Discussion off the record.)

20 CHAIRPERSON JORDAN: Let me see. Where is a picture of
21 this thing? What are you having? Do you have trash cans, or
22 a trash dumpster? What do you have?

23 MR. WANG: The big one.

24 CHAIRPERSON JORDAN: So, you have a trash dumpster.

25 MR. WANG: The biggest one.

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1 MS. THOMAS: It's a dumpster.

2 CHAIRPERSON JORDAN: Big, square, metal thing.

3 MS. THOMAS: Right.

4 CHAIRPERSON JORDAN: So, it is a dumpster and it is
5 required to have --

6 VICE CHAIR HEATH: Sir, your microphone is not on.

7 CHAIRPERSON JORDAN: It's not on? Can you hear me
8 anyway?

9 (Laughter.)

10 (Comments off record.)

11 CHAIRPERSON JORDAN: So, there is a dumpster. I'm
12 looking at OAG. There is a dumpster, not just trash cans.

13 MS. THOMAS: Mr. Chair, on my visit, they are dumpsters.

14 (Comments off record.)

15 CHAIRPERSON JORDAN: The last one is 733? No. Show
16 that to me, please, before -- I just want to see that, that
17 that one was waivable.

18 (Comments off record.)

19 CHAIRPERSON JORDAN: You just barely made that by one
20 section. Okay. So, good. All right. We're good. We can
21 waive it if the Board is so inclined.

22 Okay. All right. So, you keep the trash inside, and
23 then you take it outside. Is that how it goes? All right.

24 And you haven't gotten certification from the
25 Department of Health yet, right?

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1 MR. WANG: Not yet. Maybe in a few days.

2 CHAIRPERSON JORDAN: Okay. Board, any other questions
3 of this establishment?

4 (No questions.)

5 CHAIRPERSON JORDAN: All right. Ms. Thomas, anything
6 else you wanted to say to us?

7 MS. THOMAS: Nothing further, Mr. Chair, just stand on
8 the record. And, again, we reiterate that the one-year
9 condition was so that the applicant could go through the
10 permitting process to satisfy whatever may be necessary to
11 bring the place up to code in its interior and satisfy the ANC
12 conditions.

13 CHAIRPERSON JORDAN: That sounds like one year to --

14 MS. THOMAS: And just given the time to permit some of
15 these things, how long it takes to go through the --

16 CHAIRPERSON JORDAN: Why can't we do it the other way?
17 They get it all done and then -- I mean, I'm just talking out
18 loud. Let's find out where we are. Okay. So, all right.

19 ZC CHAIR HOOD: Mr. Chairman, when you talk out loud,
20 I agree with that. So, keep talking out loud.

21 CHAIRPERSON JORDAN: All right. So, anyone here from
22 Department of Transportation on this case?

23 MR. WANG: Department of --

24 CHAIRPERSON JORDAN: No, no. Got it. We have a Letter
25 of No Objection, Department of Transportation.

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1 Ms. Cuthbert, if you please from the ANC, identify
2 yourself again and just talk about where we --

3 MS. CUTHBERT: Good morning, Chairman Jordan and
4 Chairman Hood. I'm Mary Cuthbert.

5 CHAIRPERSON JORDAN: I'm sorry. Go ahead. I
6 mispronounced your name.

7 MS. CUTHBERT: Okay. That's okay. And Commission of
8 Zoning Board members, I'm Mary Cuthbert, the chair of Advisory
9 Neighborhood Commission 8C. My single-member district is
10 8C03 in which this establishment is located.

11 The gentleman to my right attended the ANC 8C meeting
12 on February 4th. I had advised all the commissioners to go
13 to that location to see the condition of that building, of that
14 establishment, in which all of them did, because before we have
15 them come in, we need to know what's being presented.

16 So, they all attended and the commissioners asked a lot
17 of questions, but he couldn't explain them clear enough for
18 the commissioners to understand. We didn't know if he was the
19 owner, but he did say he was the accountant.

20 Now, this gentleman over here came in and he still
21 couldn't speak English. So, we had some problems in
22 communicating back and forth, because he kept talking, talking
23 until we just decided, okay, we're going to vote on it.

24 We voted and we opposed because of the condition in which
25 that building is in. It's a disgrace. When you walk in, it's

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1 a pail to the right. Water was dripping.

2 When you look at the plexiglass, it's filthy. The odor
3 when you walk in, must be old food that they're selling. It
4 smells horrible. And the walking space between the counter
5 and the door, it might be a foot wider than this table.

6 Before you allow them to open up a facility, a food
7 facility in our neighborhood in Ward 8, they need to renovate
8 the building. They need to put in new stoves. New
9 everything. It's a disgrace.

10 When I really found out about how bad it was, it was in
11 November. I was across the street giving out turkeys. Two
12 former commissioners heard this lady yelling and went over to
13 see what she was yelling about.

14 She was protesting the place, because the food -- they
15 wouldn't give her money back because the food was horrible.
16 And that's when I realized the condition of this building,
17 because we all went over there and I didn't -- Mr. Muhammad
18 did take some pictures, but I was unable to get them from him
19 in a timely manner, but it's horrible.

20 It's a disgrace. It's a disgrace to allow that to be
21 a food establishment in the District of Columbia. I don't know
22 how anybody go in there.

23 CHAIRPERSON JORDAN: Go ahead, please.

24 ZC CHAIR HOOD: Ms. Cuthbert, could you, you know, this
25 is the Zoning Commission, you know, we talk about -- well, not

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1 the Zoning Commission.

2 CHAIRPERSON JORDAN: Right.

3 ZC CHAIR HOOD: I forgot.

4 CHAIRPERSON JORDAN: We don't have the benefit of all
5 the leeway that the Zoning Commission have.

6 ZC CHAIR HOOD: You have a stricter application. Okay.
7 Well, I'm wearing my Zoning Commission hat right now. We're
8 going to talk about zoning issues.

9 I understand that there is another realm that deal with
10 some of the -- the pails, the leaking and the sanitation issues.
11 But about the trash, let's go back because that's within the
12 BZA's bailiwick.

13 MS. CUTHBERT: Okay.

14 ZC CHAIR HOOD: Can we talk about --

15 MS. CUTHBERT: Okay. That building is located about a
16 quarter of a block of the 2900 odd side of the street -- even
17 side of the street. 2918.

18 There's two entrance to that alley. You can go in the
19 side of the barber shop which to turn around and go in that
20 alley, or you can go from Malcolm X and turn through the alley
21 and come out through Martin Luther King Avenue.

22 ZC CHAIR HOOD: So, do they -- let me ask you this: Do
23 they push their cans -- because I was trying to -- do they push
24 them off to one place, or do they -- are they --

25 MS. CUTHBERT: They're lined up behind the stores.

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1 ZC CHAIR HOOD: So, this restaurant has a can right
2 behind the store.

3 MS. CUTHBERT: They should have a dumpster. I didn't
4 check the back. So, I'm not sure. I didn't go around the
5 back.

6 ZC CHAIR HOOD: So, they don't push them all in one
7 place. They stay in one place at all times.

8 MS. CUTHBERT: They should be -- the dumpster is located
9 behind the stores.

10 ZC CHAIR HOOD: Okay. Okay.

11 MS. CUTHBERT: Behind the building.

12 ZC CHAIR HOOD: I think I understand.

13 MS. CUTHBERT: Right. So, in order to put their trash
14 out, they have to come outside and go around.

15 ZC CHAIR HOOD: And the dumpster is right behind the
16 store.

17 MS. CUTHBERT: And the dumpster --

18 ZC CHAIR HOOD: Now, can a truck go through there?

19 MS. CUTHBERT: Yes. It's a two-way alley.

20 CHAIRPERSON JORDAN: And the trash you're talking about
21 is the trash on the front of the building, around the building?
22 Have you seen trash?

23 MS. CUTHBERT: Oh, yeah. There's trash in front of the
24 building that, you know.

25 CHAIRPERSON JORDAN: I mean coming from like you think

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1 may come from the facility or something.

2 MS. CUTHBERT: Well, you know, people whoever buy
3 things there, they tend to dump it, but --

4 CHAIRPERSON JORDAN: Got it.

5 MS. CUTHBERT: But the dumpster is behind the store.
6 And it's a two-way driveway.

7 ZC CHAIR HOOD: Is there trash -- you didn't go around
8 to the back.

9 MS. CUTHBERT: I didn't go in the back, but I know the
10 dumpsters are in the back.

11 ZC CHAIR HOOD: Okay.

12 CHAIRPERSON JORDAN: But there's trash in front and did
13 you say there's trash when you went inside? Was there trash
14 inside the facility?

15 MS. CUTHBERT: No, the floor was filthy.

16 CHAIRPERSON JORDAN: Uh-huh. All right.

17 MS. CUTHBERT: It needed -- the place needs renovated.
18 Completely renovation if you want to sell food.

19 ZC CHAIR HOOD: But the lessee, did he mention in
20 discussions with the ANC that he was looking to those things,
21 because some of those is not zoning issues, but did he mention
22 that he was willing to work and take care of --

23 MS. CUTHBERT: Oh, he said he would take care of the
24 roof. But my thing with the baby in there behind the counter,
25 that disturbed me on what quality of food you're serving to

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1 my people. And I don't know how they go in there, really.

2 ZC CHAIR HOOD: Well, he can't survive if you don't go
3 in there.

4 MS. CUTHBERT: Don't you think I know that? I'm very
5 well aware of that. I do walk my neighborhood, but it's a
6 disgrace.

7 So, we called the Health Department twice. And you got
8 to remember in November we was getting ready to go through a
9 transition of administration, because Muhammad called the
10 health inspector. Then I called the health inspector.

11 The only time I saw it closed was earlier this week.

12 ZC CHAIR HOOD: So, again, the conversation between ANC
13 and the applicant, was there any, you know, some of those issues
14 that you all bring up, which some of them may not be zoning,
15 but was he willing to make a change?

16 Is he on top of -- other than the roof and the baby and
17 everything else.

18 MS. CUTHBERT: We didn't hear no changes.

19 ZC CHAIR HOOD: Okay.

20 MS. CUTHBERT: At least I didn't hear any changes. I
21 don't believe my commissioners did.

22 ZC CHAIR HOOD: Okay.

23 MS. CUTHBERT: Because I was listening very intensely,
24 because you can barely understand him for clarity.

25 ZC CHAIR HOOD: Okay. All right. Thank you. Thank

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1 you, Mr. Chair.

2 CHAIRPERSON JORDAN: Okay. I'm just trying to think
3 here. Any other questions we have?

4 (No questions.)

5 CHAIRPERSON JORDAN: Your response, Mr. Wang,
6 regarding the trash that's outside and how you have to take
7 the dumpsters around?

8 MR. WANG: Yeah, I would say that's not a problem at all
9 because, you know, that trash is pretty far from the
10 restaurant.

11 CHAIRPERSON JORDAN: The trash is far from the
12 restaurant?

13 MR. WANG: Not right in behind. Pretty far. Pretty
14 far.

15 CHAIRPERSON JORDAN: And how far is this from the
16 residential neighborhood?

17 MS. CUTHBERT: Residential is on the other side.

18 CHAIRPERSON JORDAN: How far is it?

19 MS. THOMAS: The zoning line runs to the middle of the
20 alley.

21 CHAIRPERSON JORDAN: So, it's just an alley? It's a
22 10-foot alley? 15-foot?

23 MS. THOMAS: No, it's a 15-foot wide alley or
24 thereabouts.

25 CHAIRPERSON JORDAN: 15-foot wide. So, they're about

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1 seven feet from the zoning -- from the residential zoning line?

2 MS. THOMAS: Well, if you look at how the alley -- the
3 alley -- the alley runs like Ms. Cuthbert said, north, south,
4 east, west. It turns a corner so that the C2A line is still
5 within the bounds of the -- where the trash dumpsters are.

6 So, it forms a T then if you could understand. It forms
7 a T.

8 CHAIRPERSON JORDAN: But how far is this operation, the
9 --

10 MS. THOMAS: So, if you --

11 CHAIRPERSON JORDAN: The back of the property to the
12 residential line.

13 MS. THOMAS: I would say a whole lot of property is in
14 between. So, it's going to be about more than 20, 25 -- more
15 than 30 feet.

16 MS. CUTHBERT: Not 25 feet.

17 MS. THOMAS: No, more than 30 feet, I would say, because
18 it's separated from -- I looked at it. It's separated. The
19 way that building is separated from the R2 property line by
20 another property.

21 If you look at the back of the report --

22 CHAIRPERSON JORDAN: The back of your report?

23 MS. THOMAS: Yes.

24 MS. CUTHBERT: The alley is the dividing line.

25 CHAIRPERSON JORDAN: Ms. Cuthbert --

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1 MS. CUTHBERT: Excuse me.

2 CHAIRPERSON JORDAN: You can't do that.

3 MS. THOMAS: If you look at the OP's report, you will
4 see where the -- Page 6 of OP's report.

5 MR. MOY: Mr. Chairman, if I may, you could supplement
6 that with Exhibit Number 6, which is an aerial site plan.
7 Exhibit Number 6.

8 (Pause.)

9 MS. THOMAS: And the dumpsters do not face the
10 residential side.

11 CHAIRPERSON JORDAN: Okay. I'm just talking about how
12 close the facility is. What was the issue about traffic? I
13 heard something about traffic. Didn't you say something about
14 traffic? I thought somebody did -- oh, he raised the issue.

15 What was the issue that was raised about the traffic?
16 What was the issue?

17 MR. WANG: I tried to address the traffic issue, but
18 (indiscernible due to accent) gentleman called me. He said
19 that he feel that's no problem. So, he would recommend, you
20 know, that's okay.

21 CHAIRPERSON JORDAN: Okay. Where do people park when
22 they come?

23 MR. WANG: You park over there. And I think like you even
24 don't have to put the money in there. That means that the
25 traffic is not heavy. Otherwise you would --

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1 CHAIRPERSON JORDAN: So, they have to park on the
2 street.

3 MR. WANG: Huh? You would park on the street. Two
4 sides. And parking is not heavy. That's why, you know, you
5 don't have to pay anything. You just park over there. There
6 are no restrictions on parking.

7 CHAIRPERSON JORDAN: Okay. Any other questions,
8 Board, or anything else you want to say?

9 MS. CUTHBERT: No. I'm just going to make sure that
10 they don't open until they completely renovate the place. You
11 have to completely renovate.

12 CHAIRPERSON JORDAN: We can't have that discussion.

13 MS. CUTHBERT: Oh.

14 CHAIRPERSON JORDAN: Thank you.

15 Is anyone here wishing to speak in support of the
16 application? Anyone wishing to speak in support? Anyone
17 wishing to speak in opposition? Anyone in opposition?

18 Is there anything you want to say to us, Mr. Wang?
19 Anything additional you want to say to us?

20 MR. WANG: I certainly would ask Mr. Chen to try to make
21 inside look renovated, okay. But to what extent it would be
22 renovated, I don't know. But I would recommend him that you
23 renovate and that you make it, you know, more conforming to
24 ANC's requirement. And I hope that be done in a matter of
25 months, but I don't know how soon. And I hope as Office of

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1 Planning suggested, I get one year of commission approval.
2 And during this time we will work harder to meet your
3 requirement.

4 CHAIRPERSON JORDAN: Okay. Thank you. Then we will
5 close the hearing on this matter for right now. This gives
6 me great concern about this property.

7 One, I don't think there's been a proper showing for
8 special exception at this point. I think there's an issue
9 about there are dumpsters, but the dumpsters are not within
10 a wall.

11 It's the Board can waive that provision if the Board is
12 willing to. I would not offer it at this time that the Board
13 do so.

14 We've had some other discussion about the trash coming
15 out this facility, actually coming out the front door and that
16 the place has some issues regarding trash.

17 There's also some conflict in statements about how far
18 -- there has not been a showing that this property is beyond
19 25 feet from the residential facility. There's conflicting
20 testimony given that. That's just where I am on it.

21 Any other thoughts about this property, Mr. Hood?

22 ZC CHAIR HOOD: I would agree, Mr. Chairman. A lot of
23 the information, for me, the records and the merits in this
24 case are not complete for me to make an informed and intelligent
25 decision.

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1 I do have an issue with the trash and our requirement.
2 And I would not be willing at this point to waive any rules
3 in this particular case of the evidence that has been presented
4 here today.

5 I think that the Office of Planning's recommendation
6 while I'm not being critical of it, is evidence of why I have
7 concerns that I have as far as moving forward with this case
8 and giving basically a year to clean up, is basically the way
9 I read it. And then, while it doesn't say that, but giving
10 them a year to straighten out things.

11 But from a zoning perspective, I think there's an issue
12 with the dumpster. I think there's something that needs to
13 be presented to us to give us some assurance that there is no
14 adverse impacts within the special exception that's being
15 requested.

16 And that's why I cannot support this application as it
17 is presented today.

18 CHAIRPERSON JORDAN: Thank you. Yeah. So, if we deny
19 it, we can deny it, or we can continue it for a while.

20 MR. WANG: Maybe I will (indiscernible due to accent).

21 CHAIRPERSON JORDAN: No, no. We're past that point.

22 ZC CHAIR HOOD: I would take the recommendation of the
23 Office of Planning, but not necessarily move on to -- it's up
24 to my colleagues, but I would give it six months.

25 And I don't know if you all -- we don't do status

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1 hearings. I don't think we put that in the --

2 CHAIRPERSON JORDAN: We don't have that luxury.

3 ZC CHAIR HOOD: We don't have that luxury. Maybe
4 that's something that we need to do, but I would not necessarily
5 -- unless my colleagues --

6 (Simultaneous speaking.)

7 CHAIRPERSON JORDAN: What it's not meeting is the
8 requirements for special exception. I mean, we -- there is
9 an issue with the dumpsters. There is an issue of its
10 location. And those things haven't been proven. I mean,
11 there's been discussion.

12 ZC CHAIR HOOD: Right.

13 CHAIRPERSON JORDAN: And the part about the dumpsters
14 is a requirement but for the Board waiving it, unless the Board
15 is willing to waive it.

16 So, and I am not getting a feeling that that's what they
17 want to do. So --

18 ZC CHAIR HOOD: Okay. Well, you convinced me, Mr.
19 Chairman.

20 CHAIRPERSON JORDAN: I'm just saying --

21 ZC CHAIR HOOD: I was just trying to see if there was
22 some wiggle room, maybe give them some time. But you know
23 what?

24 CHAIRPERSON JORDAN: Well, I just don't think there's
25 been a proper showing for the special exception.

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1 ZC CHAIR HOOD: Okay.

2 CHAIRPERSON JORDAN: And so, based upon that I would
3 move that we deny the relief.

4 ZC CHAIR HOOD: Second.

5 CHAIRPERSON JORDAN: Motion made and second. Any
6 further discussion?

7 (No response.)

8 CHAIRPERSON JORDAN: All those in favor of the motion,
9 aye.

10 GROUP RESPONSE: Aye.

11 CHAIRPERSON JORDAN: Those opposed, nay. The motion
12 carries.

13 Mr. Moy.

14 MR. MOY: Staff would record the vote as three to zero.
15 This is on the motion of Chairman Jordan to deny the application
16 for the relief requested.

17 Second the motion, Mr. Hood. Also in support, Vice
18 Chair Heath. No other members present.

19 CHAIRPERSON JORDAN: Then the motion carries, Mr. Moy?

20 MR. MOY: Yes.

21 CHAIRPERSON JORDAN: All right. Thank you.

22 MR. MOY: Uh-huh.

23 CHAIRPERSON JORDAN: Let's take five minutes, and then
24 we'll do our last case for the day.

25 (Whereupon, the proceedings went off the record at 11:21

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1 a.m. and resumed at 11:29 a.m.)

2 CHAIRPERSON JORDAN: All right. Batter up.

3 MR. MOY: The next application before the BZA is
4 Application Number 18924. This is the application of David
5 Gullick.

6 Mr. Chairman, this is a request as advertised for
7 variances relief from lot occupancy, rear yard and parking
8 space requirements at 705 Kenyon Street, N.W.

9 CHAIRPERSON JORDAN: All right. Whoever is on this
10 case, come forward. Do we have the applicant on this case?
11 You were here to be sworn in this morning?

12 Anyone who is going to testify in this case, please stand
13 and get sworn.

14 MR. MOY: Do you solemnly swear or affirm that the
15 testimony you're about to present in this proceeding is the
16 truth, whole truth and nothing but the truth?

17 GROUP RESPONSE: I do.

18 MR. MOY: Thank you. You may be seated.

19 CHAIRPERSON JORDAN: All right. Please state your
20 name for the record. Make sure the microphone is on.

21 MR. GULLICK: David Gullick.

22 CHAIRPERSON JORDAN: And you are to the property?

23 MR. GULLICK: The property owner.

24 CHAIRPERSON JORDAN: And you are?

25 MR. MORGAN: Romeo Morgan. I'm his neighbor. I'm

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1 opposed.

2 CHAIRPERSON JORDAN: Mr. Morgan, you made a request for
3 party status. I don't think your party status request is
4 sufficient to meet our guidelines for party status. However,
5 I'm going to allow you to give, you know, five minutes of your
6 comment and you can talk about it.

7 We're not going to grant you party status, but you
8 certainly can talk to the Board and provide us your
9 information. Okay?

10 MR. MORGAN: Yes. Thank you.

11 CHAIRPERSON JORDAN: All right. So, Mr. Gullick,
12 we've reviewed your application. And as you know, there is
13 some opposition to this project.

14 So, would you address that to the Board how you're going
15 to -- why you think your project should go forward even with
16 the opposition? Address the oppositions concern about the
17 parking.

18 MR. GULLICK: I'm not -- specifically with the parking?

19 CHAIRPERSON JORDAN: Yes.

20 MR. GULLICK: I'm not sure. I don't think there will
21 be any adverse affect.

22 CHAIRPERSON JORDAN: This is one car, right?

23 MR. GULLICK: That's correct.

24 CHAIRPERSON JORDAN: And you presently live there now
25 and have -- do you have a car?

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1 MR. GULLICK: I do.

2 CHAIRPERSON JORDAN: You live there, right?

3 MR. GULLICK: Yes.

4 CHAIRPERSON JORDAN: And there's two tenants -- there's
5 one tenant. Is there one tenant there?

6 MR. GULLICK: I have five tenants.

7 CHAIRPERSON JORDAN: Oh, you got five tenants.

8 MR. GULLICK: Two units. I have five people live
9 there.

10 CHAIRPERSON JORDAN: Two-family flat. Do all of them
11 have cars?

12 MR. GULLICK: No, I'm the only person that has a car.

13 CHAIRPERSON JORDAN: So, you have two units.

14 MR. GULLICK: That's correct.

15 CHAIRPERSON JORDAN: Okay. But there's five people
16 within the two units. Is that what you're saying?

17 MR. GULLICK: Yeah, exactly.

18 CHAIRPERSON JORDAN: Are there five different people
19 who have leases? How many people have leases?

20 MR. GULLICK: I have -- there's two units. So, there's
21 two leases with two parties.

22 CHAIRPERSON JORDAN: Okay. So, it's five people total
23 in the building.

24 MR. GULLICK: Yeah. They're all three-bedroom
25 apartments, yeah.

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1 CHAIRPERSON JORDAN: Thank you.

2 ZC CHAIR HOOD: I'm confused. I'm just confused. I
3 don't even know --

4 CHAIRPERSON JORDAN: Do you live there?

5 MR. GULLICK: I do live there, yes.

6 ZC CHAIR HOOD: You live there. You live in one unit.

7 MR. GULLICK: I do.

8 ZC CHAIR HOOD: And you have another unit.

9 MR. GULLICK: That's correct.

10 ZC CHAIR HOOD: Okay.

11 CHAIRPERSON JORDAN: So, are there two leases, or one
12 lease?

13 MR. GULLICK: I have two leases.

14 VICE CHAIR HEATH: But you're the property owner.

15 MR. GULLICK: I am the property owner.

16 VICE CHAIR HEATH: So, why do you have a lease?

17 MR. GULLICK: Well, I have roommates. So, they're my
18 roommates. So, I have two units. There's one upstairs and
19 there's one downstairs.

20 VICE CHAIR HEATH: So, you live in one bedroom within
21 one apartment, and you have somebody renting a room --

22 MR. GULLICK: Correct.

23 VICE CHAIR HEATH: -- from you. So, that's one lease.

24 MR. GULLICK: Right.

25 VICE CHAIR HEATH: And then, yeah, another lease on the

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1 second unit.

2 MR. GULLICK: That's correct.

3 ZC CHAIR HOOD: I thought it was two going to three.

4 CHAIRPERSON JORDAN: There's two units. It's a flat.

5 ZC CHAIR HOOD: Right.

6 CHAIRPERSON JORDAN: So, it's two units, but he is
7 renting out the one unit where he lives. He has leases, at
8 least two leases for that one. And then how many leases do
9 you have in the other?

10 MR. GULLICK: One. I have one lease in the other unit.

11 CHAIRPERSON JORDAN: Because there's one tenant there,
12 but you have yourself and two tenants in your unit, correct?

13 MR. GULLICK: Correct.

14 CHAIRPERSON JORDAN: And those people that you have the
15 leases with are unrelated, right?

16 MR. GULLICK: That's correct.

17 CHAIRPERSON JORDAN: And you're the only one that has
18 a car in the building.

19 MR. GULLICK: That's correct.

20 CHAIRPERSON JORDAN: Is there any reason why the other
21 people don't have cars?

22 MR. GULLICK: They use car2go. They use Zipcars.
23 Young people, I mean, they don't drive. I think that's part
24 of the appeal of the apartment is that it's -- everything is
25 walkable.

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1 CHAIRPERSON JORDAN: So, now you want to add an
2 additional unit.

3 MR. GULLICK: That's correct.

4 CHAIRPERSON JORDAN: And what are you going to do with
5 the additional unit? Rent it out?

6 MR. GULLICK: Yeah, I'm going to rent it out.

7 CHAIRPERSON JORDAN: So, you're already at 80 percent
8 lot occupancy, right?

9 MR. GULLICK: That's correct.

10 CHAIRPERSON JORDAN: So, you're just doing internal
11 construction, no external construction; is that correct?

12 MR. GULLICK: That's correct.

13 CHAIRPERSON JORDAN: Okay. Is there anything else you
14 want to say to the Board or address the Board in any way?

15 MR. GULLICK: No, that's -- I have no comment.

16 ZC CHAIR HOOD: So, you have -- let me make sure I
17 understand. You have two units with five people.

18 MR. GULLICK: Yes.

19 ZC CHAIR HOOD: You're trying to get another unit.

20 MR. GULLICK: That's correct.

21 ZC CHAIR HOOD: And you anticipate how many people
22 probably on the lease? One? Two?

23 MR. GULLICK: Well, I think it's going to be a
24 two-bedroom or a three-bedroom, but, yeah.

25 ZC CHAIR HOOD: Each room will be leased out?

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1 MR. GULLICK: No, it will be rented out as a unit.

2 ZC CHAIR HOOD: Okay.

3 VICE CHAIR HEATH: You submitted plans for alteration?

4 MR. GULLICK: Yes.

5 VICE CHAIR HEATH: And can you -- can you describe what
6 your -- how you're modifying one of the units to make it into
7 two? Because I can't tell from looking at the Plan for
8 Alteration.

9 MR. GULLICK: Okay. So, I would be adding a wall in the
10 back.

11 VICE CHAIR HEATH: In the back within the existing unit?
12 (Comments off record.)

13 VICE CHAIR HEATH: I just don't understand what he is
14 -- because we don't have existing drawings. I can't tell
15 what's happening.

16 MR. GULLICK: Where in between Bedroom 2 and 3 --

17 VICE CHAIR HEATH: Uh-huh.

18 MR. GULLICK: -- there will be a non-load-bearing wall
19 built.

20 ZC CHAIR HOOD: Okay.

21 VICE CHAIR HEATH: Okay.

22 MR. GULLICK: And then the kitchen will be installed.

23 VICE CHAIR HEATH: Okay. So, you're adding a new
24 kitchen.

25 MR. GULLICK: That's correct.

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1 VICE CHAIR HEATH: And there's already two bathrooms
2 within the unit.

3 MR. GULLICK: That's correct.

4 VICE CHAIR HEATH: Okay. Will they share -- the two
5 units will share a living room, dining room, or are you creating
6 -- I'm just trying to understand your --

7 MR. GULLICK: It's a three-bedroom apartment.

8 VICE CHAIR HEATH: It is currently, but it won't --

9 MR. GULLICK: No, it's a basement right now.

10 VICE CHAIR HEATH: Okay. Got it. Okay. Thank you.

11 CHAIRPERSON JORDAN: All right, Board, any other
12 questions on this?

13 (No questions.)

14 CHAIRPERSON JORDAN: All right. Let's turn to
15 suggested Office of Planning -- Office of Planning.

16 MR. JESICK: Thank you, Mr. Chairman, members of the
17 Board. My name is Matt Jesick. The Office of Planning rests
18 on the record in support of the application. I'd be happy to
19 take any questions.

20 CHAIRPERSON JORDAN: Okay. Any questions, Board, for
21 Office of Planning?

22 (No questions.)

23 CHAIRPERSON JORDAN: All right. Then anyone here from
24 DDOT, Department of Transportation? I don't have any letter.

25 Have you talked to the Department of Transportation?

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1 MR. GULLICK: I have not.

2 CHAIRPERSON JORDAN: Okay. I don't have a letter.

3 And then you met with the ANC 1A?

4 MR. GULLICK: Yes.

5 CHAIRPERSON JORDAN: Is anyone here from ANC 1A? And

6 ANC 1A voted in support of this request?

7 MR. GULLICK: That's correct. Eight to zero.

8 CHAIRPERSON JORDAN: All right. Any questions, Board,
9 yet?

10 (No questions.)

11 CHAIRPERSON JORDAN: Is there anyone here wishing to
12 speak in support of this application? Anyone in support?
13 Anyone in opposition? Mr. Morgan.

14 MR. MORGAN: Yes.

15 CHAIRPERSON JORDAN: Please take -- you have five
16 minutes to talk to us and tell us what --

17 MR. MORGAN: Basically what I've shown you all --

18 CHAIRPERSON JORDAN: Do you have some documents for us?

19 MR. MORGAN: I passed that forward.

20 CHAIRPERSON JORDAN: You already gave --

21 MR. MORGAN: Yes, I did.

22 CHAIRPERSON JORDAN: Okay.

23 MR. MORGAN: There are several issues pertaining to
24 this property that I have very, very, you know, strong feelings
25 about.

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1 One is if you look at the first picture which has the
2 address in it, 705, if you notice, there is a sticker that was
3 taken off the property which was a Stop Work Order on that
4 property when they initially started doing the renovation.

5 He had contractors in there doing work at three o'clock
6 in the morning, which I've been trying to be a neighbor to him
7 saying, hey, look, you know, you got people coming at three
8 o'clock working in your building. That's illegal. You can't
9 do that.

10 Well, what you want me to do? They're a bunch of
11 Mexicans. That was his answer to me. I say, well, if that's
12 the case, then I know what to do. I called downtown. He
13 didn't even have a permit to do the work.

14 Once again, he started work again. Turn around,
15 started doing work there. That's fine. I turn around, say
16 to him again because I'm sitting out front of my restaurant
17 -- my restaurant and my home is right next door to his property.

18 I'm like, hey, you know, one of your workers out there,
19 my daughter is in the car, I'm in the car with my wife, and
20 he comes outside and starts to use the bathroom outside.

21 I turn to say something to him about that. He goes,
22 well, what do you want me to do? I've been arrested for
23 urinating in public. What difference does it make?

24 This is the type of neighbor that I have. Okay. Then
25 I turn and talk to --

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1 CHAIRPERSON JORDAN: Who was urinating in public?

2 MR. MORGAN: Mr. Gullick. David Gullick. This is my
3 neighbor. My address is 707 Kenyon Street.

4 VICE CHAIR HEATH: You said the worker was.

5 MR. MORGAN: Some Spanish guy he got doing work in the
6 building.

7 VICE CHAIR HEATH: Right.

8 MR. MORGAN: You know, and then turn around --

9 CHAIRPERSON JORDAN: Well, it sounded like you said Mr.
10 Gullick was --

11 MR. MORGAN: No, no, no, no. Mr. Gullick told me --
12 that was his response to me is that I've been arrested before
13 for urinating in public.

14 And I'm like, wow, well, you know, okay, I know what to
15 do. So, I called the inspectors again. Come to find out he
16 didn't have permits to do the work again.

17 Now, the unit he's talking about he wants to turn into
18 -- to finish the basement at, if you notice that on that
19 paperwork where it has the Certificate of Occupancy there's
20 the name of the inspector, Mr. Neil Letren.

21 I spoke with Mr. Letren initially when he was doing his
22 final approval for the first and second floor. That's why he
23 was only approved for two units, not three, because Mr. Neil
24 told him not to close the walls in that basement, because he's
25 not going to finalize it until he fix the drainage problem.

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1 I in turn said to him about this summer, you cannot have
2 your water runoff and your AC lines running into the alleyway.

3 As of today, this picture was taken two days ago, if you
4 see the picture, he has both of them running into the alleyway.
5 He feels like the laws doesn't provide to him.

6 They told him not to enclose his basement. He's done
7 that already. That's why he's coming for you right now saying,
8 okay, I want a special exemption, so he can turn it into another
9 unit. The inspectors has already told him he could not close
10 in those walls, and he's done it already.

11 So, here we are. We have laws of the State that are done
12 by DCRA. I've talked to the inspectors. I talked to DCRA.
13 They have a Certificate of Occupancy. He hasn't even filed
14 for a permit to be leasing out these two units. He has no
15 permit on file for that.

16 Not only is he doing that, he's operating a rooming house
17 out of there. He's renting out rooms. He didn't file for a
18 permit for a rooming house.

19 I mean, everything he's doing is not of the DC code and
20 according to DC code in DC. And when you talk to him about,
21 you can't talk to him because he wants to be belligerent to
22 you, because he thinks that he knows that he can do whatever
23 he wants to do.

24 No, there's laws in the District of Columbia that you
25 have to obey. And if you're not going to obey them, then I

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1 will come to a protest, whatever I can, to make sure that you
2 do obey these laws.

3 If the City tells you don't close in that basement, they
4 mean don't close it in. Just because you got the Certificate
5 of Occupancy for those two floors doesn't give you the right
6 to close that basement in after the City has already inspected
7 for that.

8 I mean, these are the things that -- what I can show you
9 is approval, what I can show you. And the units that he had
10 there -- I talked to the fire marshal. The fire marshal
11 information is on there also.

12 If he's renting rooms, each room has to have an exit out
13 of that room. He's got bars on the windows. If there's a fire
14 or anything in case of emergency, how do they get out of the
15 house?

16 There's no fire escapes in the rear of the property. He
17 cannot even get -- and if there was a fire, they cannot get
18 out the property because there's occupants that put a gate up
19 so that I can't get out the rear of my property, and neither
20 can he get out the rear of his property.

21 So, if there's an emergency situation that occurs, how
22 do they get out of the rear?

23 CHAIRPERSON JORDAN: Well, here's the issue. Sounds
24 like he has some building code issues which are not before us.

25 MR. MORGAN: Right.

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1 CHAIRPERSON JORDAN: And those things are going to get
2 addressed when the property owner goes to DCRA and try to get
3 these plans approved.

4 Is it Mr. Gullick?

5 MR. GULLICK: Yes, sir.

6 CHAIRPERSON JORDAN: Do you have plans pending with
7 DCRA?

8 MR. GULLICK: I do.

9 MR. MORGAN: One other question. He said he got
10 approved by the ANC. Has the ANC given him a Letter of
11 Approval?

12 CHAIRPERSON JORDAN: Yes, we have a Letter of Approval
13 from the ANC.

14 MR. MORGAN: Because when I spoke with the -- my ANC
15 commissioner, Bobby Holmes at 1A09, Bobby Holmes said that he
16 didn't approve it. So, that's what I'm trying to figure out.

17 If there is that, if I can get a copy of that --

18 CHAIRPERSON JORDAN: It's in the file.

19 MR. MORGAN: Okay. Uh-huh.

20 CHAIRPERSON JORDAN: You can take a look at the file.

21 MR. MORGAN: And secondly, he's saying that he's the
22 only one who drives. He has a couple of other people in his
23 apartment building that do drive also.

24 CHAIRPERSON JORDAN: Do you see other cars there?

25 MR. MORGAN: Yes, I do. One young lady, she brings her

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1 car on the weekends. She drives a --

2 CHAIRPERSON JORDAN: She lives there, or --

3 MR. MORGAN: She lives there. She lives there.
4 Another young lady, she just moved out because she had to have
5 surgery, which she used to drive and park on the street because
6 the one time her boyfriend came over to see her and they broke
7 out the window out of his truck.

8 So, he does have other people in there that do drive.
9 He's saying that they don't drive, but there's other people
10 in the building who -- in his building that do have cars that
11 do drive.

12 CHAIRPERSON JORDAN: Where's the ANC report? Do you
13 have it handy? What's the exhibit number? Exhibit 15. Let
14 me see.

15 (Pause.)

16 (Comments off record.)

17 CHAIRPERSON JORDAN: He's the one who wrote the letter.
18 Bobby Holmes, right?

19 MR. MORGAN: He's the one who wrote the letter?

20 CHAIRPERSON JORDAN: Bobby Holmes.

21 MR. MORGAN: Yeah, because he told me something
22 different, which I need to speak with him about that also.

23 CHAIRPERSON JORDAN: Well, he didn't sign. The name of
24 the person authorized by the ANC to represent -- to present
25 the report to the Board is Bobby Holmes, but Kent Boese B

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1 MR. MORGAN: Kent Boese, he's the chairman.

2 CHAIRPERSON JORDAN: Yes.

3 MR. MORGAN: He's 1A08.

4 CHAIRPERSON JORDAN: He signed.

5 MR. MORGAN: Bobby Holmes is 1A09.

6 CHAIRPERSON JORDAN: Okay. One second. I'm trying to
7 catch up with something.

8 (Discussion held off the record.)

9 CHAIRPERSON JORDAN: Mr. Gullick, you completed the
10 Self-Certification form?

11 MR. GULLICK: Yes.

12 CHAIRPERSON JORDAN: That's Exhibit Number 14 and
13 Exhibit Number 9.

14 (Comments off record.)

15 CHAIRPERSON JORDAN: Okay. All right. I know what
16 we're going to do in this case. Got it. All right.

17 Mr. Morgan, we've allowed you to talk about where you
18 are, which we gave you additional time to do that. Although
19 you don't raise a lot of zoning issues, you do raise the Board
20 some concerns. And I think a lot of things that you raise are
21 going to get caught in the building permit process. We just
22 handle the zoning aspect of it.

23 Is there anything else you want to say to us, Mr.
24 Gullick?

25 MR. GULLICK: No, I'll stand on the record.

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1 CHAIRPERSON JORDAN: Okay. Then I'm closing this
2 hearing and I'm just trying to state if I want to see something
3 else.

4 I'm going to close this hearing as it is. We're not
5 going to render a decision in this case today. We're going
6 to carry this out on the docket, give us some time to do some
7 research and some digging about what's proper in regards to
8 the law in this and take a look at some precedence.

9 ZC CHAIR HOOD: I'll tell you, Mr. Chairman, from the
10 bat, I do have some concerns with what I'm hearing. So, I know
11 that's where we're going, so there won't be no surprise.

12 CHAIRPERSON JORDAN: All right. So, with that, then,
13 we will close the hearing on this matter and, Mr. Moy, let's
14 see -- for a decision date, where am I in about a 60-day period?

15 MR. MOY: 60 days, okay. That takes us into April.
16 Takes us to the end of April.

17 CHAIRPERSON JORDAN: We're pretty full up to that
18 point.

19 MR. MOY: We're very full. So, this will take us to the
20 end of April which is opening up for the Board.

21 CHAIRPERSON JORDAN: Well, where are we within -- all
22 right. Do we have substantial time in the next 30 days?

23 MR. MOY: 30 days, okay. So, we're looking end of
24 March. March actually is bad.

25 CHAIRPERSON JORDAN: That's what I thought. That's

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1 why I was saying --

2 MR. MOY: I would put this into April.

3 CHAIRPERSON JORDAN: Right.

4 MR. MOY: Although, on March 24th we have five cases.

5 CHAIRPERSON JORDAN: Okay.

6 MR. MOY: So, that's doable.

7 CHAIRPERSON JORDAN: Okay. Put it on for March 24th
8 for -- let's go ahead and put it for decision.

9 MR. MOY: For decision.

10 CHAIRPERSON JORDAN: Is Mr. Hood around that time?

11 MR. MOY: We have Ms. Cohen sitting on March 24th, sir.
12 (Comments off record.)

13 CHAIRPERSON JORDAN: All right. So, we'll put it March
14 24th.

15 MR. MOY: March 24th. No filings in the record, sir?

16 CHAIRPERSON JORDAN: No, I think the record is fine.

17 MR. MOY: Okay.

18 CHAIRPERSON JORDAN: Right? Okay. All right. Thank
19 you. Appreciate it. Thank you.

20 MR. MOY: What time?

21 CHAIRPERSON JORDAN: We're at 9:30 always, yeah.

22 MR. MOY: Okay. Thank you.

23 CHAIRPERSON JORDAN: All right. Good. Thank you.

24 All right. In accordance with Section 405C, the Open
25 Meeting Act of D.C., Section 5.7, I move that the Board of

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1 Zoning Adjustment hold closed meetings on Monday, March 2nd,
2 9th, 16th, 23rd and 30th.

3 These meetings are to start at 4:00 p.m. and are to be
4 held for purposes of obtaining legal advice from our counsel
5 and deliberating upon, but not voting on cases scheduled for
6 publicly-heard cases the next following day. These cases are
7 identified on the Board's public hearing agenda for March 3rd,
8 10th, 17th and 24th and 31st.

9 This closed meeting will be held per telephone
10 conference, a closed meeting for this purpose permitted under
11 Administrative Procedural Act.

12 Is there a second?

13 VICE CHAIR HEATH: Second.

14 CHAIRPERSON JORDAN: Motion made and second. All
15 those in favor of the motion, aye.

16 GROUP RESPONSE: Aye.

17 CHAIRPERSON JORDAN: Those opposed, nay. Mr. Moy.

18 MR. MOY: Yes, the motion carries, Mr. Chairman, three
19 to zero. When I call the member's name, if you would kindly
20 reply with a yes or no.

21 Vice Chair Heath.

22 VICE CHAIR HEATH: Yes.

23 MR. MOY: Chairman Jordan.

24 CHAIRPERSON JORDAN: Yes.

25 MR. MOY: Chairman Hood.

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1 ZC CHAIR HOOD: Do you need me to vote on this?

2 CHAIRPERSON JORDAN: Well, you don't have to.

3 MR. MOY: Sir, for quorum.

4 ZC CHAIR HOOD: Yes.

5 MR. MOY: We have a member not present. The motion to
6 roll call passes, Mr. Chairman.

7 CHAIRPERSON JORDAN: Motion carried. As the motion is
8 passed, I request that the Office of Zoning provide the proper
9 notices as required by the Closed Meeting Law requirements.

10 Any other business coming before the Board?

11 MR. MOY: Not from the staff, sir.

12 CHAIRPERSON JORDAN: All right. Then we're adjourned.
13 Thank you.

14 (Whereupon, at 11:54 o'clock a.m. the Board of Zoning
15 Adjustment Public Hearing was adjourned.)

16

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